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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,783	03/26/2004	John P. O'Brien	6938-0001-1	9654
35301	7590	03/02/2006	EXAMINER	
MCCORMICK, PAULDING & HUBER LLP			BERGIN, JAMES S	
CITY PLACE II			ART UNIT	
185 ASYLUM STREET			PAPER NUMBER	
HARTFORD, CT 06103			3641	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/810,783

Applicant(s)

O'BRIEN ET AL.

Examiner

James S. Bergin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawing informalities noted in the papers mailed on 3/29/2005 and 9/22/2005, must now be corrected. On page 4 of the response filed 12/27/2005, the applicant has noted that, *"formal drawings will be submitted, hopefully before the examiner reaches this Request for Continued Examination"*. That time has passed and the applicant must now submitted the corrected drawings in response to this action. This requirement for corrected drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 7 and 8, it is unclear if the "free end of the detonating cord" refers to the free end of the cord prior to removal of a cord segment or, post removal of a cord segment. This indefiniteness has arisen because the claim language refers only to *"withdrawing segments of detonating cord form the reel"* (line 7), but does not clearly claim the concept of separating a section of cord from the cord wound on the reel. In line 9, the meaning of "the detonating length" is unclear and lacks a proper antecedent basis. Does it refer to the full length of detonating cord remaining on the reel after a

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segment has been removed, or does it refer to a subset of the remaining length of cord on the reel?

In claim 4, it is unclear how the cord coiled on each reel can have an “*indeterminate length*” (line 2) because the incremental markings on each cord have been recited in the same claim to provide a visual indication of the length of the detonating cord on each reel”.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski (US 4,010,914) in view of Nusbaum (US 6,607,110 B2) or Gottscho (US 2,825,279).

The following rejections are made in the view of the indefiniteness of claims 3 and 4 as outlined above.

Kowalski discloses providing a dispensing assembly and method of dispensing comprising a plurality of reels (not illustrated) of detonating cord, the reels mounted on the spindle 21 (figure 1; col. 1, lines 30-35, lines 46-51; col. 2, lines 43-44, lines 59-62). Detonating cord is withdrawn from the reels for use as needed, such disclosure of Kowalski inherently including withdrawal of a segment(s) of a desired length of

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detonating cord. Kowalski's dispensing assembly is easily moved from one position to another (col. 3, lines 29-33).

Kowalski does not specifically disclose providing numerical markings on the coiled detonating cord on each reel for providing a visual indication of the remaining length of cord on each reel.

Nusbaum discloses a method of providing numerical markings on a material dispensed from a roll, the numerical markings comprising numerical indicia to indicate the amount of material dispensed and/ or the amount of material remaining on the roll after the dispensing step (see abstract; figure 1; col. 2, lines 55-59; col. 3, line 50 – col. 4, line 37). Nusbaum teaches that the use of the numerical indicia eliminates the need to use more costly and complicated mechanisms for the same purpose (col. 4, lines 29-31). Nusbaum's numerical indicia decrease from the free end of the dispensed material to the core of the roll. Nusbaum defines analogous art to Kowalski because Nusbaum teaches a solution for the same problem as Kowalski – how to predict the amount of material remaining on a roll by visual inspection the free end of the material remaining on the roll/ reel.

Gottscho discloses (col. 1, lines 1-60) a method of providing numerical markings on a material dispensed from a roll, the numerical markings comprising numerical indicia to indicate the amount of material remaining on the roll after the dispensing step and to provide a permanent inventory of the material remaining on the roll (col. 1, lines 57-61). Gottscho's numerical indicia decrease from the free end of the dispensed material to the core of the roll (col. 1, lines 44-48). Gottscho defines analogous art to

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Kowalski because Gottscho teaches a solution for the same problem as Kowalski – how to predict the amount of material remaining on a roll by visual inspection the free end of the material remaining on the roll/ reel, such a visual inspection providing an inventory of the material remaining on the roll.

In view of the teachings of Nusbaum, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to provide numerical indicia on the detonating cord of each of the reels of Kowalski's dispensing apparatus, the numerals decreasing from the free end of the cord to the core of the each reel, such a modification to Kowalski allowing a user to visually determine how much cord has been dispensed from each reel and how much cord remained on each reel after dispensing cord therefrom.

Alternatively, in view of the teachings of Gottscho, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to provide numerical indicia on the detonating cord of each of the reels of Kowalski's dispensing apparatus, the numerals decreasing from the free end of the cord to the core of the each reel, such a modification to Kowalski allowing a user to visually determine how much cord remained on each reel and to provide a permanent inventory of the material remaining on each reel.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Heine (US 3,188,944); Minehart (US 3,552,308); Huston (US 5,816,165) and Hazelton et al. (US 4,925,214).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 571-272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'J. Bergin', followed by a horizontal line.

James S. Bergin